

J1131 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE  
REQUEST FOR FILING  
(RULE 53(b)(1))

12/06/01

00909

FOR DESIGN OR UTILITY APPLICATIONS  
(DO NOT USE FOR CIPs)

JC927 U.S. PTO  
10/06/01  
12/06/01

Rule 53(b)(1) PATENT APPLICATION:

- Continuation )  
 ) application under 37 CFR 1.53(b)(1)  
 Divisional )  
of pending prior application of

Group Art Unit: 3761

Inventor(s): KWOK et al.

Examiner: A. Lewis

Parent Appln. No.:	09	566,806	Atty. Dkt.	P 282771	P020US5
Series Code ↑		Serial No. ↑	New M#		Client Ref

Parent Filed: May 8, 2000

This Appln. Filed: December 6, 2001

Title: NASAL MASK CUSHION ASSEMBLY (as Amended)

Hon. Commissioner of Patents  
Washington, DC 20231Date: December 6, 2001  
(Parent Matter No. 270883 )SAC  
SEARCHED  
INDEXED  
MAILED  
FILED  
APR 10 2002  
U.S. PATENT AND TRADEMARK OFFICE  
COMMISSIONER OF PATENTS AND TRADEMARKS  
WASH. D.C. 20231  
RECEIVED  
JAN 10 2002  
U.S. PATENT AND TRADEMARK OFFICE  
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WASH. D.C. 20231

To effect the above-requested filing today:

1. Attached is a copy (**which must be filed**) of the prior application, including:

- Abstract  
 Specification and claims (12 pages) (**must be attached**)  
 Drawings (**must be attached if originally filed**): 2 sheet(s)/set:  1 set informal;  Formal of size  A4  11"

1A. Always X one box, only:

- (1)  Copy of Signed declaration or oath as originally filed in prior application attached  
(2)  NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2.  This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1.	_____	2.	_____
3.	_____	4.	_____
5.	_____	6.	_____
7.	_____	8.	_____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1.	_____	2.	_____
3.	_____	4.	_____
5.	_____	6.	_____
7.	_____	8.	_____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4.  Priority is claimed under 35 U.S.C. 119/365 based on filing in Australia \_\_\_\_\_ of  
(country)

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) <u>PO1265</u>	<u>07/26/1996</u>	(2) _____	_____
(3) _____	_____	(4) _____	_____
(5) _____	_____	(6) _____	_____

- a.  \_\_\_\_\_ (No.) Certified copy/copies attached.  
b.  Certified copy/copies previously filed on 10/29/97 in  
U.S. Application No. 08/791,212, filed on 1/31/1997.  
series code ↑ ↑ serial no.  
c.  Certified copy/copies filed during International stage of PCT/ /  
4(a). (a)  Domestic priority is claimed from PCT/ /, filed \_\_\_\_\_  
(b)  Benefit is claimed of Provisional Application No. 60/, filed \_\_\_\_\_.

5.  Assignee (optional) ResMed Limited

6.  Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7.  The power of attorney in the prior application is to Glenn J. Perry, Reg. No. 28,458

(Name and Reg. No.)

whose current address is as in item 8 below.

a.  Recognize as associate attorney Paul T. Bowen, Reg. No. 38009 whose current address is as in item 8 below.

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group  
of Pillsbury Winthrop LLP, 1600 Tysons Boulevard, McLean, VA 22102**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 08/ 791,212 filed 1/31/1997 now U.S. Pat. 6,112,746

No. 09/ 566,806 filed 5/8/2000

No. / filed \_\_\_\_\_

No. PCT/ / filed \_\_\_\_\_, which  
designated the U.S. and that International Application  was  was not published under PCT Article 21(2) in English

9(a).  See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status →**  is Not claimed  is claimed (pre-filing confirmation required)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

- filed in above prior application  
 attached.

11. Petition to extend the life of the above prior application to at least the date hereof

(one box)  is being concurrently filed in that prior application (Use Form PAT-111).

(must be)  was previously filed in that prior application (Check length of prior extension).

(X'd)  is not necessary for copendency (**Double check** before X'ing this box).

26.

**ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 24/25**

	<b>Claims remaining after amendment</b>	<b>Highest number previously paid for</b>	<b>Present Extra</b>	<b>Additional Fee</b>
			<u>Large/Small Entity</u>	<u>File Code</u>
27.	Total Effective Claims <u>*8</u>	minus ** <u>20</u>	= <u>0</u> x    \$18/\$9	= <u>\$ 0</u> (103/203)
28.	Independent Claims <u>*8</u>	minus *** <u>3</u>	= <u>5</u> x    \$84/\$42	=    + <u>420</u> (102/202)
29.	If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , add (per application) .....		\$280/\$140	+ <u>0</u> (104/204)
30.			ADDITIONAL FEE	<u>\$ 420</u>
31		plus FEE from item 22 on page 3		+ <u>780</u>
32			<b>TOTAL FEE ATTACHED</b>	<b><u>\$ 1200</u></b>

33. \*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

**34** \*\*If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space.

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975

Our Order No. 74066

282771

M16



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**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP**  
**Intellectual Property Group**

**By Atty: Paul T. Bowen**

Reg. No. 38009

Sig:

Paul Bowen

Fax: (703) 905-2500  
Tel: (703) 905-2020

Atty./Sec PTB/dlh

**NOTE No. 1:** File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments

**NOTE NO. 2:** Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 11 above.  
If yes, printout Pat-111 and head it in parent.